

Application Serial No. 10/678,186  
Reply to Office Action dated December 27, 2005

### REMARKS/ARGUMENTS

Initially, the Applicant would like to thank the Examiner for taking the time to discuss the outstanding Office Action with the Applicant's representative during the telephone interview conducted on February 14, 2006, as well as the follow-up conversation on February 16, 2006. During the interview, the Examiner acknowledged that he mistakenly checked the box indicating that the Office Action was final and would withdraw the finality of the Office Action. Also during the interview, the Examiner indicated that incorporating the limitations of claims 10 and 11 into independent claim 1 would clearly patentably define the present invention over the prior art. In making this change, the Examiner also indicated that the Applicant need not incorporate the limitation presented in claim 2 for patentability. To this end, claim 1 was amended to recite that the control unit includes a sensor electronic control board having both an amplitude detector and a phase detector. Correspondingly, claims 10 and 11 have been canceled. As a result of the cancellation of claims 10 and 11, the dependencies of claims 12 and 13 have been changed. During the interview, the Examiner also indicated that claim 23 would be allowable if rewritten in independent form. Accordingly, the limitations presented in claim 23 have been incorporated into claim 16. The Examiner indicated that claim 17 as originally presented represents patentable subject matter. That is, while claim 17 was rejected in the Office Action as being unpatentable over Chen in view of Levasseur, during the interview it was agreed that neither of the applied references teach detecting a disruption of a sound beam in the absence of a vend operation indicating that a product is being removed from the vending machine without payment. Thus, claim 17 was placed in independent form. Finally, claim 22 was amended to be dependent from claim 17 and claim 23 has been canceled.

Based on the agreements reached with the Examiner and the amendments to the claims, the Applicant respectfully submits that the present invention is patentably defined over the prior art of record such that allowance of all claims and passage of the

Application Serial No. 10/678,186  
Reply to Office Action dated December 27, 2005

application to issue are respectfully requested. If the Examiner should have any additional questions or concerns regarding this matter, he is cordially invited to contact the undersigned at the number provided below to further expedite the prosecution.

Respectfully submitted,



Everett G. Diederiks, Jr.  
Attorney for Applicant  
Reg. No. 33,323

Date: April 27, 2006  
**DIEDERIKS & WHITELAW, PLC**  
12471 Dillingham Square, #301  
Woodbridge, VA 22192  
Tel: (703) 583-8300  
Fax: (703) 583-8301